Remarks

The Office Action mailed May 22, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-9, 11, and 13-26 are pending in this application. Claims 1-9, 11, and 13-26 stand rejected. Claims 10 and 12 have been cancelled.

The objection to Claims 6, 17, 21, and 24 for informalities is respectfully traversed. According to the Office Action, Claims 6 and 21, and Claims 17 and 24 are objected to because they "contain similar limitations, namely the generation of a gains chart based upon the user defined dimensions and the campaign results." Applicants, however, respectfully submit that Claims 6 and 21, and Claims 17 and 24 do not include the same recitations. Accordingly, Applicant respectfully requests that the objection to Claims 6, 17, 21, and 24 for informalities be withdrawn.

The rejection of Claims 1-9, 11, 13-21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. 2002/0072951) ("Lee") in view of Thearling (U.S. Patent No. 6, 240,411) is respectfully traversed.

Applicants respectfully submit that neither Lee nor Thearling, considered alone or in combination, describe or suggest the claimed invention. As discussed below, neither Lee nor Thearling, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes using a targeting engine to determine a sequential order for combining models, combining the models in the determined sequential order to derive a list of user defined dimensions for generating the marketing campaign wherein the user defined dimensions include marketing defined dimensions and risk defined dimensions, profiling results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions, and assigning a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions.

Lee describes a method of a program product for collecting, analyzing, and presenting data by extracting input data from an input database. The input data is then transformed into a suitable schema for subsequent analysis, followed by subsequent analysis of the extracted and transformed data, and presentation of the analyzed, transformed, extracted data.

Thearling describes a method and apparatus for classifying a plurality of records in a database (10) that includes providing a first model (16) for ascertaining a first characteristic of each of the records, forming a query that includes a reference to first model (16), using the reference to execute first model (16) to generate a score for the first characteristic of at least one of the plurality of records, and selecting a selected set of the records wherein each record of the selected set satisfies the selection criteria. However, Thearling does not describe nor suggest using a plurality of analytic models embedded within a targeting engine to derive a list of user defined dimensions that include marketing defined dimensions and risk defined dimensions, profiling the results of a marketing campaign against the marketing defined dimensions and the risk defined dimensions, and assigning a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions.

Claim 1 recites a method of analyzing the success of a marketing campaign by using a targeting engine, campaign results and an original campaign database, wherein the method includes "embedding within the targeting engine a plurality of analytic models including marketing and risk models...using the targeting engine to determine a sequential order for combining the models...combining the models embedded within the targeting engine in the determined sequential order to derive a list of user defined dimensions for generating the marketing campaign, the user defined dimensions include marketing defined dimensions and risk defined dimensions...profiling results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions...and assigning a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions."

Neither Lee nor Thearling, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes embedding within a

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targeting engine a plurality of analytic models including marketing and risk models, using the targeting engine to determine a sequential order for combining the models, combining the models embedded within the targeting engine in the determined sequential order to derive a list of user defined dimensions for generating the marketing campaign wherein the user defined dimensions include marketing defined dimensions and risk defined dimensions, profiling results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions, and assigning a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions.

More specifically, neither Lee nor Thearling, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes embedding within a targeting engine a plurality of analytic models including marketing and risk models, using the targeting engine to determine a sequential order for combining the models, and combining the models embedded within the targeting engine in the determined sequential order to derive a list of user defined dimensions for generating the marketing campaign wherein the user defined dimensions include marketing defined dimensions and risk defined dimensions.

The Office Action suggests at page 3 that Lee describes "embedding within the targeting engine a plurality of analytical models (i.e., analysis models, see para. 0029) including marketing (i.e., customer/product analysis, see para. 0031 and 0032) and risk models (i.e., measurement of customer profitability and value, see para. 0039); using the plurality of analytical models embedded within the targeting engine to derive a list of user defined dimensions". Applicants respectfully traverse this suggestion. In fact, Applicants respectfully submit that Lee does not describe nor teach using models to analyze the success of a marketing campaign, embedding a plurality of models in a targeting engine, or using the models to derive a list of user defined dimensions. Rather, Lee describes a data mart and a data mart builder for collecting, analyzing, and presenting data by extracting input data from an input database (para. 0024), but does not describe or suggest using a plurality of models.

Moreover, although Lee mentions at para. 0039 that "Measuring customer profitability and lifetime value is just one example of the applicability of the method and program product of

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the invention", Lee does not describe nor suggest embedding within a targeting engine a plurality of analytic models including marketing and risk models. Furthermore, in contrast to what has been suggested by the Office Action, Applicants submit that measuring customer profitability and lifetime value does not constitute the use of risk models as described in the present invention.

Additionally, Lee does not describe nor teach embedding within a targeting engine a plurality of analytic models including marketing and risk models, using the targeting engine to determine a sequential order for combining the models, and combining the models embedded within the targeting engine in the determined sequential order to derive a list of user defined dimensions for generating the marketing campaign wherein the user defined dimensions include marketing defined dimensions and risk defined dimensions.

The Office Action also indicates at page 4 that Thearling discloses "models being scored during campaign management". Although Thearling discusses using a model to generate a score, Thearling does not describe nor suggest embedding within a targeting engine a plurality of analytic models including marketing and risk models, using the targeting engine to determine a sequential order for combining the models, and combining the models embedded within the targeting engine in the determined sequential order to derive a list of user defined dimensions for generating the marketing campaign wherein the user defined dimensions include marketing defined dimensions and risk defined dimensions, and assigning a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions. Rather, Thearling describes a method and apparatus for classifying a plurality of records in a database that includes forming a query that includes a reference to a first model, and using the reference to execute the first model to generate a score for the first characteristic of at least one of the plurality of records in a database. In contrast to the present invention, the "score" that is described in Thearling is not assigned to the results of a marketing campaign based on marketing defined dimensions and risk defined dimensions. Rather, Thearling describes a score that is generated when a model is applied to a record in a database (Thearling,

col. 8, lines 31-32). Accordingly, Applicants respectfully submit that Claim 1 is patentable over Lee in view of Thearling.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 1 be withdrawn.

Claims 2-9 and 21 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-9 and 21 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-9 and 21 likewise are patentable over Lee in view of Thearling.

Claim 11 recites a system configured to analyze success of a marketing campaign that includes a customer database having campaign results and an original campaign database, a graphical user interface for presentation of campaign analysis data, and a plurality of analytic models including marketing and risk models embedded within a targeting engine, wherein the system is configured to "determine a sequential order for combining the models, combine the models in the determined sequential order to derive a list of user defined dimensions including marketing defined dimensions and risk defined dimensions for generating a marketing campaign, profile results of the marketing campaign against said marketing defined dimensions and said risk defined dimensions, and assign a score to the results of the marketing campaign based on said marketing defined dimensions and said risk defined dimensions."

Neither Lee nor Thearling, considered alone or in combination, describe or suggest a system configured to analyze success of a marketing campaign that includes a customer database having campaign results and an original campaign database, a graphical user interface for presentation of campaign analysis data, and a plurality of analytic models including marketing and risk models embedded within a targeting engine, wherein the system is configured to determine a sequential order for combining the models, combine the models in the determined sequential order to derive a list of user defined dimensions including marketing defined dimensions and risk defined dimensions for generating a marketing campaign, profile results of the marketing campaign against the marketing defined dimensions and the risk defined

dimensions, and assign a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions.

More specifically, neither Lee nor Thearling, considered alone or in combination, describe or suggest a system configured to determine a sequential order for combining models, combine the models in the determined sequential order to derive a list of user defined dimensions including marketing defined dimensions and risk defined dimensions for generating a marketing campaign, profile results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions, and assign a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions.

The Office Action suggests at page 3 that Lee describes "embedding within the targeting engine a plurality of analytical models (i.e., analysis models, see para. 0029) including marketing (i.e., customer/product analysis, see para. 0031 and 0032) and risk models (i.e., measurement of customer profitability and value, see para. 0039); using the plurality of analytical models embedded within the targeting engine to derive a list of user defined dimensions". Applicants respectfully traverse this suggestion. In fact, Applicants respectfully submit that Lee does not describe nor teach using models to analyze the success of a marketing campaign, embedding a plurality of models in a targeting engine, or using the models to derive a list of user defined dimensions. Rather, Lee describes a data mart and a data mart builder for collecting, analyzing, and presenting data by extracting input data from an input database (para. 0024).

Moreover, although Lee mentions at para. 0039 that "Measuring customer profitability and lifetime value is just one example of the applicability of the method and program product of the invention", Lee does not describe nor suggest embedding within a targeting engine a plurality of analytic models including marketing and risk models. Furthermore, Applicants submit that measuring customer profitability and lifetime value does not constitute the use of risk models as described in the present invention.

Applicants respectfully submit that Lee does not describe nor teach a system configured to determine a sequential order for combining models, and combine the models in the determined

sequential order to derive a list of user defined dimensions including marketing defined dimensions and risk defined dimensions for generating a marketing campaign. Additionally, Lee does not describe nor suggest a system that profiles results of a marketing campaign against marketing defined dimensions and risk defined dimensions, and assigns a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions.

Although Thearling discusses using a model to generate a score, Thearling does not describe nor suggest a system configured to determine a sequential order for combining the models, combine the models in the determined sequential order to derive a list of user defined dimensions including marketing defined dimensions and risk defined dimensions for generating a marketing campaign, profile results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions, and assign a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions. Rather, Thearling describes a score that is generated when a model is applied to a record in a database (Thearling, col. 8, lines 31-32). Accordingly, Applicants respectfully submit that Claim 11 is patentable over Lee in view of Thearling.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 11 be withdrawn.

Claims 13-20 and 24 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 13-20 and 24 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 13-20 and 24 likewise are patentable over Lee in view of Thearling.

Notwithstanding the above, the rejection of Claims 1-9, 11, 13-21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Thearling is further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Lee using the teachings of Thearling. More

specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Lee nor Thearling describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Lee with Thearling because there is no motivation to combine the references suggested in the art. Rather, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching. More specifically, neither Lee nor Thearling describe or suggest the claimed invention. Rather, Lee teaches a method of a program product for collecting, analyzing, and presenting data by extracting input data from an input database. Thearling describes a method and apparatus for classifying a plurality of records in a database. Combining Lee with the teachings of Thearling would not describe or suggest the present invention. Accordingly, Applicants respectfully submit that there is no suggestion or motivation to combine Lee with Thearling.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such

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reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 1-9, 11, 13-21, and 24 be withdrawn.

The rejection of Claims 22, 23, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. 2002/0072951) ("Lee") in view of Thearling (U.S. Patent No. 6, 240,411) in further view of Lazarus et al. (U.S. Patent No. 6,430,539) is respectfully traversed.

Lee and Thearling are both described above.

Lazarus describes a system and method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive, spending patterns of individual consumers to create both meaningful groupings (segments) of merchants which accurately reflect underlying consumer interests, and a predictive model of consumer spending patterns for each of the merchant segment. Merchant segments are derived from consumer transaction data based on co-occurrences of merchants in sequences of transactions. Each merchant segment is trained using consumer transaction data in selected past time periods to predict spending in subsequent time periods for a consumer based on previous spending by the consumer. Consumer profiles describe summary statistics of consumer spending in and across merchant segments. Analysis of consumers associated with a segment identifies selected consumers according to predicted spending in the segment or other criteria, and the targeting of promotional offers specific to the segment and its merchants.

Claims 22 and 23 depend from independent Claim 1. Claim 1 recites a method of analyzing the success of a marketing campaign by using a targeting engine, campaign results and

an original campaign database, wherein the method includes "embedding within the targeting engine a plurality of analytic models including marketing and risk models...using the targeting engine to determine a sequential order for combining the models...combining the models embedded within the targeting engine in the determined sequential order to derive a list of user defined dimensions for generating the marketing campaign, the user defined dimensions include marketing defined dimensions and risk defined dimensions...profiling results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions...and assigning a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions."

None of Lee, Thearling, or Lazarus, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes embedding within a targeting engine a plurality of analytic models including marketing and risk models, using the targeting engine to determine a sequential order for combining the models, combining the models embedded within the targeting engine in the determined sequential order to derive a list of user defined dimensions for generating the marketing campaign wherein the user defined dimensions include marketing defined dimensions and risk defined dimensions, profiling results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions, and assigning a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions.

Rather, Lee describes a method of a program product for collecting, analyzing, and presenting data by extracting input data from an input database wherein the input data is transformed into a suitable schema for subsequent analysis, and presentation of the analyzed, transformed, extracted data; Thearling describes a method and apparatus for classifying a plurality of records in a database that includes providing a first model for ascertaining a first characteristic of each of the records, forming a query that includes a reference to the first model, using the reference to execute the first model to generate a score for the first characteristic of at least one of the plurality of records, and selecting a selected set of the records wherein each record of the selected set satisfies the selection criteria; and Lazarus describes a system and

method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive, spending patterns of individual consumers to create both meaningful groupings (segments) of merchants which accurately reflect underlying consumer interests, and a predictive model of consumer spending patterns for each of the merchant segment. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Lee in view of Thearling and further in view of Lazarus.

Furthermore, although Lazarus mentions at col. 35, lines 49-51 that "All open accounts with at least one purchase transaction are scored (predicted spending) for all of the segments", Lazarus does not describe nor suggest marketing models including a net present value/profitability model, a prospect pool model, a net conversion model, an attrition model, a response model, a revolver model, a balance transfer model, and a reactivation model; and risk models including a payment behavior prediction model, a delinquency model, a bad debt model, a fraud detection model, a bankruptcy model, and a hit and run model. Accordingly, Applicants respectfully submit that dependent Claims 22 and 23 are patentable over Lee in view of Thearling and further in view of Lazarus.

Claims 22 and 23 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 22 and 23 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 22 and 23 likewise are patentable over Lee in view of Thearling and further in view of Lazarus.

Claims 25 and 26 depend from independent Claim 11. Claim 11 recites a system configured to analyze success of a marketing campaign that includes a customer database having campaign results and an original campaign database, a graphical user interface for presentation of campaign analysis data, and a plurality of analytic models including marketing and risk models embedded within a targeting engine, wherein the system is configured to "determine a sequential order for combining the models, combine the models in the determined sequential order to derive a list of user defined dimensions including marketing defined dimensions and risk defined dimensions for generating a marketing campaign, profile results of the marketing campaign against said marketing defined dimensions and said risk defined dimensions, and

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assign a score to the results of the marketing campaign based on said marketing defined dimensions and said risk defined dimensions."

None of Lee, Thearling, or Lazarus, considered alone or in combination, describe or suggest a system configured to determine a sequential order for combining models, combine the models in the determined sequential order to derive a list of user defined dimensions including marketing defined dimensions and risk defined dimensions for generating a marketing campaign, profile results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions, and assign a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions.

Rather, Lee describes a method of a program product for collecting, analyzing, and presenting data by extracting input data from an input database; Thearling describes a method and apparatus for classifying a plurality of records in a database; and Lazarus describes a system and method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive, spending patterns of individual consumers to create both meaningful groupings (segments) of merchants which accurately reflect underlying consumer interests, and a predictive model of consumer spending patterns for each of the merchant segment. Accordingly, Applicants respectfully submit that Claim 11 is patentable over Lee in view of Thearling and further in view of Lazarus.

Furthermore, although Lazarus mentions at col. 35, lines 49-51 that "All open accounts with at least one purchase transaction are scored (predicted spending) for all of the segments", Lazarus does not describe nor suggest marketing models including a net present value/profitability model, a prospect pool model, a net conversion model, an attrition model, a response model, a revolver model, a balance transfer model, and a reactivation model; and risk models including a payment behavior prediction model, a delinquency model, a bad debt model, a fraud detection model, a bankruptcy model, and a hit and run model. Accordingly, Applicants respectfully submit that dependent Claims 25 and 26 are patentable over Lee in view of Thearling and further in view of Lazarus.

Claims 25 and 26 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 25 and 26 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 25 and 26 likewise are patentable over Lee in view of Thearling and further in view of Lazarus.

Notwithstanding the above, the rejection of Claims 22, 23, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Thearling and further in view of Lazarus is further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Lee using the teachings of Thearling and Lazarus. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Lee, Thearling, or Lazarus describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Lee with Thearling and Lazarus because there is no motivation to combine the references suggested in the art. Rather, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.
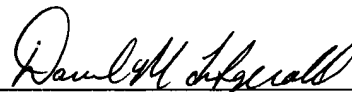
Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. More specifically, Lee teaches a method of a program product for collecting, analyzing, and presenting data by extracting input data from an input database; Thearling teaches

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a method and apparatus for classifying a plurality of records in a database; and Lazarus teaches a system and method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive, spending patterns of individual consumers to create groupings (segments) of merchants which accurately reflect underlying consumer interests, and a predictive model of consumer spending patterns for each of the merchant segment. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 22, 23, 25, and 26 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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